App. F. IX-4

1949-50
(CB)

File No. 2-44-49

Serial Nos. 44

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. one

Part B for Jan 1950

SUBJECT

Points on which necessary action is to be taken in connection with the New Constitution which came into effect from 26th Jan 1950.

C. F. 74.]

1244/Ld

WD 03286—GPB—25,000—1-8-48

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted.

As instructed by the Law Secretary, a copy of the statement indicating the action to be taken under the provisions of the Constitution of India, is put up, for submission to the Chief Secretary

Mas
12.1.50. Law Secy

12/1

RSS
12/1

Chief Secy

Please let me know what action has been taken of Urgent -

187/50
12/1/50

Submitted

A brief note of the action taken or being taken is indicated in the copy of the extract placed below

If approved, the Law Branch may be requested

CHIEF SECRETARY
12 JAN 1950
GOVT. OF MYSORE

Extract relating to ex. taken.

Ld
13.1.50.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

C. F. 74.] WD 03286—GPB—25,000—1-8-48

Routine Notes. 3109/CB

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Take action re: Sl. Nos. 12, 14 & 15. Chief Secy) amR 13/1/50

13.1.50. Yes — These have to be looked up in Law Br. & then Come to Council. Ltr re. Sl. 13. has been rets today with my Reply re. Sl. 22. received today. Re. Sl. 14 the rate should be for each with order typ personal reminder.

amR 13/1/50

16/1/50.

amR 16/1/50

This may be sent to (Law) Branch for note and return urgently.

amR Secy) Mc Law

16.1.50. amR 16.1.50

A copy each of the 2 Statements filed below have been obtained. Action will be taken as per Sl. Nos 12, 14 & 15 of the Statement

CBR 17/1/50. 17/1

Action as) proposed) see

17/1

CHIEF SECRETARY 6823 16 JAN 1950 GOVT. OF MYSORE

GENERAL & REVENUE SECRETARIAT 18 JAN 1950 CONFIDENTIAL BRANCH

Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Action necessary to be taken in connection with the New Constitution which comes into effect from 26th January 1950.

(CONFIDENTIAL BRANCH)

Sl. No.	No. of Article.	Subject.	Nature of action to be taken.	When action is to be taken.	Action taken
5.	166 (2)	Authentication of orders and other instruments made & executed in the name of the Rajpramukh.	Rules to be framed by the Rajpramukh.	To be issued on 26.1.50.	File submitted to Minister for Law and Chief Minister.
6.	166 (3)	Rules for the transaction of the business of the Govt. of Mysore.	do	- do -	Under preparation.
12.	216	Consfitution of High Court.	The maximum number of Judges will have to be fixed by the President by order. Proposals in that behalf may have to be submitted to the President.	Soon after 26.1.50.	This is to be worked up in Law Branch ~~Being worked up~~
13.	219	Oath to be taken by the Judges of the High Court.	The Rajpramukh will have to appoint the person before whom the Judges have to take their oath.	- do -	Action taken.
14.	229	Conditions of service of officers and servants of the High Court.	Rules to be framed by the Chief Justice	- do -	This is to be ~~Being~~ looked up in Law Branch
15.	234	Recruitment of persons other than District Judges to the Judicial Service.	Rules to be framed by the Rajpramukh after consultation with the Public Service Commission and the High Court.	- do -	~~Being~~ - do - ~~worked up~~.
18.	238 read with 158.	Allowances and privileges of the Rajpramukh.	The Rajpramukh will be entitled to such allowances & privileges as the President by general or special order determines. Proposals in this behalf in respect of His Highness the Rajpramukh of Mysore may have to be submitted to the Government of India.	In time to enable the Govt. of India to issue the order on or before the 26th January 1950.	File submitted to the Chief Secy. (for discussion with Sri V.P. Menon)

22.	238 read with 221.	Salaries & Allowances, leave &c., of the Judges of the High Court	This will have to be determined by the President in consultation with the Rajpramukh. Proposals in these matters may have to be submitted to the President.	Soon after 26.1.1950.	Action taken. Reply from [illegible] awaited.
25.	291	Privy Purse of the Ruler	A covenant or agfeement has to be entered into by the Ruler before the commencement of the Constitution.	Before 26.1.50.	Action being taken.

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Action necessary to be taken in connection with the New Constitution which comes into effect from 26th January 1950

Sl No	Number of Article.	Subject.	Nature of action to be taken	When action is to be taken.	Secretariat which is to take action
1	2	3	4	5	6
1.	22	Protection against arrest and detention.	The Mysore Public Security Act, 1940, offends against the fundamental right conferred by Article 22 of the Constitution. The Act will have to be replaced by a new Act in conformity with the Article.	The new Act will have to be brought into force on or before 26th January 1950, as, otherwise, detentions under the old Act will become illegal from that date.	Legislation Branch.
2.	31 (6)	Certification by the President of certain Laws.	All State Laws passed within eighteen months before the 26th January 1950 and which are likely to contravene Article 31 (2)(acquisition of property only on payment of compensation)should be submitted to the President for certification.	Such Laws must be submitted to the President for certification within three months from 26th January, 1950.	The necessary examination of the Laws passed within the said period will be undertaken by the Legislation Department.
3.	132,133, 134,136, 141,142, 144.	All these Articles relate to the powers and functions of the Supreme Court. They provide respectively, for the appellate jurisdiction of the Supreme Court in	No action is required to be taken under the Constitution by the State on these matters. The fact that the Courts in Mysore will	Before 26th January 50.	Law Branch.

1	2	3	4	5	6
		Civil and Criminal matters; grant of special leave to appeal by the Supreme Court; law declared by the Supreme Court to be binding on all Courts in India; enforcement of decrees and orders of the Supreme Court; requirement on all Civil and Judicial authorities in India to act in aid to the Supreme Court.	be brought into integral relationship with the Supreme Court in respect of all matters provided by these Articles may perhaps be brought to the notice of the High Court for communication to the subordinate courts.		
4.	165	Appointment, Salary and terms of service of the Advocate-General.	Rules to be framed by the Rajapramukh.	To be issued on 26-1-50.	Law Branch.
5.	166(2)	Authentication of orders and other instruments made and executed in the name of the Rajapramukh.	do.	do.	Confidential Branch.
6.	166(3)	Rules for the transaction of the business of the Government of Mysore.	do.	do.	do.
7.	187(3)	Recruitment and conditions of service of persons appointed to the Secretariat Staff of the Legislative Assembly.	Rules to be framed by the Rajapramukh in consultation with the Speaker.	Soon after 26-1-50.	Legislation Branch.

1	2	3	4	5	6
8.	188.	Appointment of person to administer oaths in the Legislative Assembly.	Notification to be issued by Rajapramukh.	26-1-1950.	Legislation Branch.
9.	190(1)	Simultaneous membership of both Houses of State Legislature.	Law of the State Legislature.	May be made after the provisional Legislative Assembly meets and before the general elections.	do.
10.	202	Annual Financial Statement.	The present form of the financial statement will have to be changed to bring it into consonance with the Article.	Before the Assembly meets for the Budget Session in March 1950.	Financial Branch.
11.	203.	Appropriation Bill.	An appropriation Bill will have to be placed before the Assembly after the demands for grant are voted.	Same	Legislation Branch to get itself acquainted with an Appropriation Bill.
12.	216.	Constitution of High Court.	The maximum number of Judges will have to be fixed by the President by order. Proposals in that behalf may have to be submitted to the President.	Soon after 26-1-50.	Confidential Branch.
13.	219.	Oath to be taken by the Judges of the High Court.	The Rajapramukh will have to appoint the person before whom the Judges have to take their oath.	do.	Confidential Branch.

1	2	3	4	5	6
14.	229	Conditions of service of officers and servants of the High Court.	Rules to be framed by the Chief Justice.	Soon after 26-1-50.	Confidential Branch.
15.	234.	Recruitment of persons other than District Judges to the Judicial Service.	Rules to be framed by the Rajapramukh after consultation with the Public Service Commission and the High Court.	do.	do.
16.	235	Control over subordinate courts.	The present position on this matter has to be examined and brought into conformity with the provisions of the Article.	21-1-1950.	Law Branch.
17.	237.	Application of the provisions of Chapter VI of Part VI relating to subordinate courts to certain classes of magistrates.	Notification by Rajapramukh.	Soon after 26-1-50.	do.
18.	238 read with 158	Allowances and privileges of the Rajapramukh.	The Rajapramukh will be entitled to such allowances & privileges as the President by general or special order determines. Proposals in this behalf in respect of His Highness the Rajapramukh of Mysore may have to be submitted to the Government of India.	In time to enable the Government of India to issue the order on or before the 26th January 1950.	Confidential Branch.

1	2	3	4	5	6
19.	238 read with 186	Salaries and Allowances of the Speaker and Deputy Speaker of the Legislative Assembly.	To be determined by the Rajapramukh.	Soon after 26-1-50.	Legislation Branch.
20.	238 read with 195.	Salaries and Allowances of the members of the Legislative Assembly.	To be determined by the Rajapramukh until provision is made by law by the State Legislature.	do.	do;
21.	238 read with 208(2)	Rules of Procedure of the Legislative Assembly.	Adaptations and modifications to bring it into conformity with the New Constitution will have to be made in the existing rules of procedure by the Speaker of the Assembly.	do.	do.
22.	238 read with 221	Salaries and Allowances, leave &c., of the Judges of the High Court.	This will have to be determined by the President in consultation with the Rajapramukh. Proposals in these matters may have to be submitted to the President.	do.	Confidential Branch.
23	278.	Agreement regarding certain financial matters.	An agreement between the State and the Government of India will have to be entered into in respect of financial integration on the matters specified in the said Article.	do.	Financial Branch.

1	2	3	4	5	6
24	283(2)	Custody etc., of the consolidated Fund and the Contingency Fund.	Rules to be framed by the Rajapramukh.	To be issued after 26-1-50 and before 31-3-50.	Financial Branch.
25	291	Privy Purse of the Ruler.	A covenant or agreement has to be entered into by the Ruler before the commencement of the Constitution.	Before 26-1-50.	Confidential Branch
26	299(1)	Execution of contracts of the State.	Notification by the Rajapramukh.	On 26-1-50.	Law Branch.
27.	316	Appointment of the Public Service Commission.	Notification by the Ruler	On 26-1-50.	Education Branch.
28.	318	Conditions of service of members and staff of the Public Service Commission.	Regulation to be framed by the Rajapramukh.	On 26-1-50.	Education Branch.
29.	326	Qualification of voters to the State Legislature.	Law of the State Legislature	May be passed after the general election law is passed by Parliament.	Legislation Branch
30.	327	Election Law.	Law of Parliament. Proposals regarding constituencies &c have already been called for from Mysore by the Government of India and these are pending consideration before the Council.	Should be sent to the Government of India in time before the first session of the provisional Parliament.	do.

1	2	3	4	5	6
31.	328	Election law for the State Legislature.	Law of the State.	May be passed after the general election law is passed by Parliament.	Legislation Branch.
32.	388	Filling of casual vacancies in the Provisional State Legislature.	ThePresident may by order make exceptions and modifications in existing rules of election to the Constituent Assembly.	Immediate action should be taken to examine the rules and submit them to the President for modifications, if any.	do
33.	341	Specification of Scheduled Castes.	Notification by the President after consultation with the Rajapramukh.	Proposals in that behalf may have to be submitted by the State in time for the Notification being issued on 26-1-50.	Legislation Branch.

Extract ~~~~ file ~~~~
D. 3991/~~~

Submitted

For orders whether the two files placed below may be recorded.

Please record.

Ind, S.N.K.
13-7-1950